IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.4132 of 2008
HIRA LAL SAH @ HIRA SAH
Versus
THE STATE OF BIHAR

3/ 15/5/2008. Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner renews his prayer for bail from custody in a police case under N.D.P.S. Act for recovery of 18 K.Gs. of Ganza on the plea of custody since 24.6.2005 when prosecution witnesses are not forthcoming.

It is submitted that private witnesses have been examined and the remaining 10 witnesses are all official witnesses.

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At present this Court is not persuaded to grant bail on the facts of the case when non-bailable warrants have already been issued against the official witnesses.

The Superintendent of Police, Rohtas at Sasaram is directed to ensure that the official witnesses start appearing on the next date fixed in the matter or on the subsequent date and are available on the dates fixed in the trial consecutively. The S.P. is also directed to ensure their appearance from the data base for places of posting of police officials prepared by the State Government. The S.P. shall remain answerable to this Court for non-appearance of the prosecution-witnesses despite non-bailable warrants issued against them in the event a report to that effect is received from the court below.

The application is rejected.

Let the trial be concluded at the earliest.

KC **(Navin Sinha,J)**

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